

FILED

JUL 27 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS GONZALO HERNANDEZ-
DURAZO,

Defendant - Appellant.

No. 05-10302

D.C. No. CR-04-00496-DCB

MEMORANDUM *

Appeal from the United States District Court
for the District of Arizaona
David C. Bury, District Judge, Presiding

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Jesus Gonzalo Hernandez-Durazo appeals from the district court's judgment and 36-month sentence imposed following his guilty-plea conviction for possession with intent to distribute less than 50 kilograms of marijuana, in

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Hernandez-Durazo's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Hernandez-Durazo filed a *pro se* supplemental brief. The Government did not file an answering brief.

We have reviewed the briefs and conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (appeal waiver valid when entered into knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**.

DISMISSED.